

EXHIBIT B



Department of Motor Vehicles

Requests for Information from External Entities

Approved by	Executive Management
Policy Owner/Organization	Data Review Committee
Author(s)	Data Review Committee
Concise Description	Policy explains how to process requests for Department information from external entities
Audience	DMV staff
Introduction	This policy explains how to process requests for Department records and data that come from external entities, such as other state agencies, members of the Legislature, industry associations and other groups or individuals. These requests may seek records or data on a one-time basis, or access to Department information systems or data on a continual or periodic basis.

Introduction:

The sharing of information by the Department is governed by federal and state law, including federal Driver's Privacy Protection Act, Information Security Breach and Notification Act, Public Officers Law, Freedom of Information Law, the Personal Privacy Protection Law, and the Vehicle and Traffic Law.

These laws govern the type of information that can be shared, with whom the information can be shared, fees for providing the information and the circumstances under which the information can and cannot be shared. This policy provides guidance to all Department employees that receive requests for information from external entities.

Publicly Available Information

Certain types of information possessed by the Department are able to be released to the public without restriction. The Department has made numerous data sets available for public viewing on New York's Open Data Portal at <https://data.ny.gov/> and on the ITS MR Traffic Safety Statistical Repository (TSSR) Portal at <https://www.itsmr.org/TSSR/>.

- Data viewable on New York's Open Data Portal includes, for example, vehicle repair shop & vehicle inspection station location information, the number of electric cars registered in NYS, the most popular vehicle makes, and much more. See Appendix A below, for a list of the data sets the Department makes available on the Open Data site.
- The ITS MR TSSR provides crash data.

Department employees should always consider whether the requested information is available on New York's Open Data Portal or on the ITS MR TSSR Portal. If the information is available publicly, the requestor must be directed to these publicly available sites.



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Department Information

All other, non-public information possessed by the Department can only be shared in conformance with applicable federal and state laws. Department information is maintained as either an existing "record" or within electronic databases.

This policy segregates requests for external access to Department information into three categories: (1) Records; (2) Data; or, (3) Electronic Access.

1. Requests for Records

The Public Officers Law defines a record as: "any information kept, held, filed, produced, reproduced by, with or for an agency or the state legislature, in any physical form whatsoever, including, but not limited to: reports, statements, examinations, memoranda, opinions, folders, files books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes." A record includes emails, other electronic communications, and data electronically maintained in databases.

IMPORTANT: Under the Freedom of Information Law, the Department is only obligated to respond to a request for a record when the record sought is an existing "record". The Department is not obligated, nor should it, create a record in order to provide a response.

The Department should not process a request when the requested data is not practically retrievable. To avoid the unnecessary creation of a new record, the Department should not undertake significant data manipulation to produce a response.

Subpoena and FOIL

Subpoena demands and requests for records using the MV-15F, i.e., Freedom of Information Law (FOIL) form, or any request made pursuant to FOIL, must be processed by the Department's FOIL Office.

If you are not sure where to refer a request for a record, please refer the requestor to the FOIL Office.

Requests Submitted Using MV-15

For records requests routinely processed by issuing offices and the Certified Document Center (CDC), the requestor should use the MV-15. Requestors must specifically identify the record to be produced, the individual whose record is to be produced, provide the DPPA "permissible use" justifying the release of the record and pay the required fee. Such requests are processed in CDC or issuing offices, not the FOIL office. If the record is available using the MV-15 form, do NOT refer the requestor to the FOIL Office.



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Requests Submitted Using MV-198C

For specific crash records, the requestor should use the MV-198C form to request individualized records at issuing offices and in the Certified Document Center. Requestors must specifically identify the crash record to be produced, the individual whose record is to be produced, the requestor's relationship and/or connection to the record and pay the required fee.

2. Requests for Data

Data is defined as "facts, statistics, or pieces of information, often in numerical form, that can be maintained in analog form or electronically stored in a digital medium, and is capable of being tabulated and or queried."

Department employees should always consider whether the requested data is available on New York's Open Data Portal or on the ITSMR TSSR Portal. If the data is available publicly, the requestor must be directed to these publicly available sites.

If the data requested is not publicly available, the requestor should be instructed to submit an MV-15F to the FOIL Office.

In those instances when the data is not publicly available and requiring the submission of an MV-15F is not feasible:

- The request recipient should forward the request to the appropriate Department liaison (see "4", below) or, if a Department liaison does not exist, to the Department business owner for fulfillment.*
- The Department business owner should return the data to the Department liaison or request recipient for review. The Department liaison or request recipient may wish to consult their Deputy Commissioner prior to release of the data.

The release of High Security Data Elements (defined below) must be approved by Risk Management prior to release.

Requests Received by the Communications Office

Requests received by the Communications Office for data that is not publicly available and inappropriate for submission of an MV-15F, should be processed in the following manner:

- Forward the request to the appropriate Department business owner for fulfillment.*
- The Department business owner must review and approve the proposed data response prior to forwarding to the Communications Office.
- Prior to releasing the data to the requestor, the Communications Office must send the data and draft response for internal review and approval.
- Upon delivery of the response, Communications must also caution the requestor about the re-disclosure of any personal information contained within the data set.



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*The business owner fulfilling the request must be mindful that retrieving data by significant data manipulation or significant alteration of existing programs can result in the creation of a new record that is potentially "FOILable."

3. Electronic Access

Electronic access is defined as "direct, electronic access enabling recurring searches of DMV information by external entities."

Requests for electronic access to Department information should be submitted using the MV-15DS. All requests for electronic access shall be reviewed by Administration (Data Services) and Risk Management and, when appropriate, Legal Bureau, Contract Administration Unit and Information Technology Services Enterprise Information Security Office (ITS EISO).

Requests for Access to "Single-query" Systems

Applications from external entities for access to systems enabling recurring, single-query searches, such as, Dial-in, External COMPASS, LENS, PREED, and Tickets in COMPASS, shall be processed pursuant to existing protocols established by the Department business owner responsible for each system.

Requests to Access the Client Data Base (License File Client Information)

Applications for access to the Client Data Base via the Department's two web applications - Client Identity Exchange (CIE) and Client ID Verification (CIDV) - shall be processed by Data Services in consultation with Risk Management and, when appropriate, Legal Bureau, Contract Administration Unit and ITS ISO.

4. Request Processing

External information requests should be directed to the appropriate Department office**:

SOURCE	DMV OFFICE
Subpoena	FOIL/Subpoena Office
FOIL	FOIL/Subpoena Office
News organizations or journalists	Communications Office
State Legislators or other elected officials	Legislative Liaison
County Clerks	County Clerk Liaison
External Auditors	Audit Services
Driver License / ID Photos	FOIL/Subpoena office

** If you are not sure where to refer a request for a record, please refer the requestor to the Department's FOIL Office.



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5. Request Forms

REQUESTED INFORMATION	APPROPRIATE FORM	Office that Processes Request
FOIL	MV-15F	FOIL/Subpoena Office
Standard Driving Record (Abstract)	MV-15 and online	<ul style="list-style-type: none"> • Issuing Offices • Certified Document Center • Online (for own abstract only)
Internal/Lifetime Record	MV-15	Certified Document Center
Vehicle Title Record	MV-15	Certified Document Center
Complete 19A Roster	MV-15 Our understanding is that these request come in a letter not a form.	Certified Document Center
Driver License Application	MV-15	Certified Document Center
Conviction Certificate Photocopy	MV-15	Certified Document Center
Driver License Suspension or Revocation Order	MV-15	Certified Document Center
Ticket/Summons Photocopy	MV-15 – Can be done online for certain tickets	Certified Document Center; DMV website for certain tickets
Vehicle Registration/Title Application	MV-15	Certified Document Center
Vehicle Registration Suspension Order	MV-15	Certified Document Center
Vehicle & Traffic Law Books	MV-15	Certified Document Center
Accident/Crash Reports	Online or MV-198C	DMV website; Certified Document Center
Insurance Records Regarding Status on a Date	FS-25	Certified Document Center
Client ID Verification	MV-15CIDV	Data Requests
Client Identity Exchange	Web Services Agreement	Data Requests
Dial-in, External Compass	MV-15D	Data Services
Requests for Electronic Access	MV-15DS	Risk Management



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Governing Policies, Standards, Regulations, or Statutes	<p>Public Officers Law §86(4)[“Records” definition]; Public Officers Law §89(3)(a) provides: Nothing in this article shall be construed to require any entity to prepare any record not possessed or maintained by such entity.</p> <p>The Driver’s Privacy Protection Act (DPPA) is a federal law that forbids State Departments of Motor Vehicles from disclosing personal information about any individual to any person or entity without an authorized use. For more information, see 3.4 of the DMV Employee Handbook or the law at http://nysdmv.com/forms/mv15dppa.pdf. DPPA-protected “personal information” is information that identifies an individual, including: name, address (but not the 5-digit zip code), client ID, phone number, medical or disability information, photograph or image, and social security number.</p> <p>The NYS Information Security Breach and Notification Act (ISBNA) (G.B.L., Section 899-aa; State Technology Law, Section 208): Prohibits the unauthorized access to and disclosure of private information, such as name and SSN or name and CID. Information concerning the ISBNA can be found at the NYS Office of Cyber Security (http://www.cscic.state.ny.us/security/securitybreach/). If it is unclear whether an element should be classified as personal, given the data elements requested, associates are encouraged to reach out to the Risk Management Office at nysdmyriskmanagement@dmv.ny.gov.</p> <p>The New York State Public Officer’s Law: defines access to agency records, the fees to be charged and when release of information is considered an unwarranted invasion of personal privacy. This law provides that an agency has a right to deny access to records in several situations, including but not limited to when:</p> <ul style="list-style-type: none"> • Disclosure is barred by state or federal law. • Disclosure of trade secrets would cause substantial injury to a commercial entity. • Disclosure of records compiled for law enforcement purposes where the release of the record would interfere with an investigation or judicial proceeding. <p>New York State Vehicle and Traffic Law has several sections related to obtaining copies of records, fees and also restrictions. For example, section 201 includes retention periods of records and section 202 defines fees we can charges for searches of our records and copies of documents.</p> <p>Employee Handbook: DMV employees are prohibited from unauthorized access to or use of protected personal information. The</p>
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	<p>DMV employee handbook states, "An employee may not obtain, ask any other employee to obtain, or use customer information for any other purpose than carrying out his or her assigned duties in the department."</p> <p>Data Access Controls Standard (DACS): The Data Access Controls Policy (IT-2009-05) serves as a standard for applying confidentiality controls to DMV data resources during their creation, use and disposal.</p>
DMV Procedures/Standards/ Related Policies	N/A
Definitions	<p>Data Review Committee: A group of agency representatives from the, FOIL/Subpoena office, Legal Bureau, Risk Management, Communications, GTSC, Ticketing, Business Intelligence, and Data Requests who review data requests that are not otherwise addressed by this policy, and make recommendations to the deputy commissioners on how such requests should be addressed. This group will also help develop ongoing policy interpretations and guidance documents regarding data requests from outside entities.</p> <p>Department Liaison: The Department unit or individual designated to maintain a close working relationship between the Department and an external organization.</p> <p>Department Business Owner: The Department office or unit responsible for gathering and maintaining the requested Department information.</p> <p>External Data Exchange (EDE): Record, maintained by ITS EISO, tracking all electronic access arrangements with external entities.</p> <p>High Security Data Elements: The following elements require approval by Risk Management before the agency can release the information to an external entity: Full or partial social security number (SSN), residence address, DOB, CID, photograph, title number, and license document number.</p>
Frequency of Review	Every 2 years
Original Issuance Date	12/31/2011
Revision Issuance Date	July 2016

Appendix A

The following are data sets currently available from DMV on Open NY:

Requests for Information From External Entities



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- Vehicle Inspection Stations Across NYS
- Facilities Licensed by DMV
- Vehicle Repair Shops Across NYS
- Car, Boat, and Snowmobile Dealerships Across NYS
- Vehicle Makes and Body Types, Most Popular in NYS
- DMV Office Locations
- Vehicle, Snowmobile, and Boat Registrations
- Electric Vehicles Per County
- Vehicle and Boat Registrations by Fuel Type per County
- Snowmobile Registrations
- Boat Registrations
- Vehicle Colors, Most Popular in NYS
- Boat Makes, Most Popular in NYS
- Snowmobile Makes, Most Popular in NYS
- Traffic Tickets Issued: Four Year Window
- Motor Vehicle Crashes – Case Information
- Motor Vehicle Crashes – Violations Information
- Motor Vehicle Crashes – Vehicle Information
- Motor Vehicle Crashes – Individual Information
- Driver License, Permit, and Non-Driver ID Cards Issued
- LENS Customers
- Driver License, Permit, and Non-Driver ID cards Issued by County, Age, and Gender: Five Year Window
- Motor Vehicle Point & Insurance Reduction Program (PIRP) Participation: Five Year Window
- Traffic Tickets issued, Number of Tickets issued by Year, Month, Day of Week and Violation
- Traffic Tickets Issued, Number of Tickets by Age, Gender, and Violation
- Traffic Tickets Issued, Number of Tickets by Licensing State and Violation
- Traffic Tickets Issued: Four Year Window
- Reportable Traffic Ticket Conviction: Four Year Window
- Reportable Traffic Ticket Conviction Counts by Year and Court
- Reportable Traffic Ticket Conviction Counts by Month and Year
- Reportable Traffic Ticket Conviction Counts by Year, Gender, and Age on Violation Date

NOTE: Use Arial Font for Policy Statement information